

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Seydou BA

Case: 2:22-mj-30221

Assigned To : Unassigned

Assign. Date : 5/10/2022

CMP: SEALED MATTER (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 9, 2022 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 10, 2022

City and state: Detroit, Michigan

*Complainant's signature*

Special Agent Joshua Loy - ATF

Printed name and title*Judge's signature*

Honorable Elizabeth Stafford, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Joshua Loy, being duly sworn, do hereby state the following:

I. INTRODUCTION

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since June 2018. I am currently assigned to the Ann Arbor Field Office, Detroit Field Division, where I am tasked with investigating violations of firearms and controlled substance laws. I have conducted numerous investigations involving violations of federal firearms and controlled substances laws, which have resulted in the seizure of firearms and controlled substances. In addition, I have graduated from the Federal Law Enforcement Training Center and the ATF Special Agent Basic Training.

2. The statements contained in this affidavit are based on my review of written police reports by Ann Arbor Police Department (AAPD) Officers, information provided to me by and/or through other law enforcement agents, investigators, and individuals with knowledge of this matter, and my investigation and review of documents. This affidavit summarizes such information, but it does not provide each and every detail that I know regarding this investigation. Instead, this affidavit merely provides information necessary to establish probable cause that Seydou BA (xx/xx/xx91) has violated Title 18, United States Code, Section 922(g)(1), possession of a firearm following a prior felony conviction.

II. EXECUTIVE SUMMARY

3. On December 23, 2021, BA and A.C. visited Dunham's Sports in Ann Arbor, Michigan. As depicted on Dunham's security footage, BA accompanied A.C. to the gun counter and the cash register, where A.C. purchased (A) a Smith & Wesson, M&P Shield Plus firearm bearing serial number JML6141, (B) a box of 25 rounds of Hornady Critical Defense 9mm ammunition, and (C) a box of 100 rounds of Armscor Full Metal Jacket (FMJ) 9mm ammunition. BA provided funds to purchase these items. Three days later, on December 26, 2021, BA used this firearm to shoot approximately ten rounds of Armscor FMJ 9mm ammunition outside an apartment building in Ann Arbor. On January 9, 2022, Ann Arbor Police approached BA as he stood near his car. BA fled a short distance on foot. Shortly thereafter, officers recovered the Smith & Wesson firearm bearing serial number JML6141 from BA's flight path. The firearm was loaded with Armscor FMJ 9mm ammunition. Officers recovered additional Armscor FMJ 9mm ammunition as well as Hornady Critical Defense 9mm ammunition from BA's car.

III. SUMMARY OF THE INVESTIGATION

4. I reviewed BA's criminal history. BA was previously convicted of at least the following felonies:

- a. 2019 – Felony Carrying Concealed Weapon (Pled Guilty) and Felony Controlled Substances, Possession Less Than 25 Grams, MCL 333.7403(a)(a)(v) (Pled Guilty)
- b. 2019 - Felony Controlled Substances, Possession Less Than 25 Grams, MCL 333. 7403(2)(a)(v) (Pled Guilty)
- c. 2020 - Felony Controlled Substances, Possession Less Than 25 Grams, MCL 333. 7403(2)(a)(v) (Pled Guilty)

5. During the month of April 2022, I reviewed correspondence with BA's probation agent who confirmed BA was advised, during state court hearings, that he was being convicted of a felony offense for the above mentioned felony convictions. Therefore, BA would be aware of his prior felony conviction at the time he possessed a firearm in 2021 and 2022 as alleged below.

6. On December 26, 2021, AAPD Officers were dispatched to 1120 S. Maple Rd, Ann Arbor, Michigan regarding a shots fired complaint. Upon clearing the scene and canvassing the area, officers recovered ten (10) 9mm shell casings. These shell casings were consistent with Armscor FMJ 9mm ammunition. Officers identified BA as a suspect in this shooting based on witness interviews and review of video surveillance footage.

7. Officers learned that a red Pontiac G6 with the Michigan license plate EHX5366 was registered to BA.

8. On January 9, 2022, AAPD Officers observed BA's Pontiac G6 parked at the Wyndham Garden hotel parking lot at 2900 Jackson Ave, Ann Arbor, Michigan. Officers saw BA approach the car and ordered him to stop. BA clutched at his jacket and fled on foot through the parking lot. Officers followed BA as he ran. BA ran approximately 150 feet, turned left at the corner of the hotel, and ran an additional 100 feet through the parking lot before complying with Officers' commands to stop running. The flight and chase lasted approximately 30 seconds. During this time, Officers had a clear view of BA for all but approximately three seconds or less. Officers' view was briefly obstructed by a beige van parked in the hotel parking lot near the corner of the hotel where BA made a left turn while fleeing on foot.

9. BA was apprehended and detained after complying with Officers' command to stop running. AAPD Officers secured the scene, then searched the route of the foot pursuit. Officers located one (1) Smith & Wesson, M&P Shield Plus, bearing serial number JML6141 in the frozen mulch and snow near a bush by the corner of the hotel. (See Images 1 through 4 below.) Officers' view of BA running past this area was obstructed by the beige van parked nearby. (See Image 1.)

Image 1



Image 2



Image 3



Image 4



10. The recovered Smith & Wesson firearm bearing serial number JML6141 was loaded with 11 rounds of 9mm ammunition.

11. Also on January 9, 2022, AAPD Detective Van Alstine obtained a state search warrant for BA's Pontiac G6. Officers recovered (A) a box of 25 rounds of Hornady Critical Defense 9mm ammunition and (B) an open box Armscor Full

Metal Jacket (FMJ) 9mm ammunition. The Armscor ammunition was packaged in a box containing 100 rounds. Only 77 rounds were present in the box at the time it was recovered.

12. A firearm trace revealed that A.C. purchased the recovered Smith & Wesson firearm bearing serial number JML6141 from Dunham's Sports in Ann Arbor, Michigan on December 23, 2021. AAPD Detective Van Alstine and I visited this Dunham's store. Dunham's provided me with a copy of the receipt of purchase showing that the (A) recovered Smith & Wesson firearm bearing serial number JML6141 was purchased along with (B) Hornady Critical Defense 9mm ammunition and (C) Armscor Full Metal Jacket (FMJ) 9mm ammunition. These are the same types of ammunition recovered from BA's car on January 9, 2022.

13. AAPD Detective Van Alstine and I reviewed the security video footage from December 23, 2021. This video depicts BA entering the store with A.C., visiting the gun counter together, and going to the cash register to purchase the recovered Smith & Wesson firearm bearing serial number JML6141 and ammunition. The video further depicts BA providing funds for the purchase of this firearm and the ammunition recovered from BA's vehicle.

14. I also spoke with the Dunham's employee who processed the sale of the recovered firearm. This employee stated that he recalled the interaction with A.C. and BA, and provided a physical description BA. This description is consistent with BA's appearance in BA's booking photo.


15. I obtained NIBIN results for the shell casing recovered from the shots fired incident on December 26, 2021. The NIBIN results revealed that the recovered Smith & Wesson firearm bearing serial number JML6141, purchased by A.C. in BA's presence with money from BA, was used in the December 26, 2021, shooting.

16. I conferred with ATF S/A Mike Parsons, an Interstate Nexus Firearms expert, who indicated that the Smith & Wesson, M&P Shield Plus, S/N JML6141, was not manufactured in the State of Michigan. Therefore, the firearm had traveled in or affected interstate or foreign commerce.

IV. CONCLUSION

17. Based upon the above information, I believe there is probable cause Seydou BA has violated Title 18, U.S.C., Section 922(g)(1), possession of a firearm following a felony conviction. This violation occurred in the Eastern District of Michigan.

Respectfully submitted,


Special Agent Joshua Loy
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me
and/or by reliable electronic means.


HONORABLE ELIZABETH STAFFORD
UNITED STATES MAGISTRATE JUDGE

Date: May 10, 2022